

REMARKS

Reconsideration of the present application is respectfully requested.

With regard to the restriction requirement and the claims examined on the merits, Applicant respectfully points out that the previously made amendments to the claims rendered the restriction requirement moot. Thus, although Applicant's previous response was interpreted as an election without traverse, the office action overlooked the fact that the claims were amended to render the restriction requirement moot. Thus, Applicant respectfully requests that the restriction requirement be withdrawn and that all of the claims be examined on the merits. Alternatively, Applicant respectfully requests that the Examiner make of record how the amended claims could still be interpreted as being fairly subjected to a restriction requirement.

The Abstract stands objected to for including numeric designations. In response, Applicant has amended the abstract to remove the offending numerals. Therefore, Applicant respectfully requests that the outstanding objection to the abstract be withdrawn.

The drawings stand objected to for the reasons noted in the office action. In response, Applicant has amended the specification to remove the language found confusing in the office action. The specification now makes it clear that the shroud is positioned adjacent the radiator for directing flow through the cooling system enclosure. There should be no dispute that the drawings accurately reflect the described subject matter. Therefore, Applicant respectfully requests that the outstanding objection to the drawings be withdrawn.

The specification stands objected to based upon the assertion that the subject matter of claim 9 is not supported by the specification. Applicant respectfully disagrees and refers the Examiners attention to paragraph [12] where it makes it clear that the partition 30 is integral with the side and top portions of the engine enclosure. Therefore, Applicant respectfully asserts that the subject matter of claim 9 is and was supported by the specification, and Applicant respectfully requests that the outstanding objection to the specification be withdrawn.

Claim 8 stands objected to because of an informality noted in the office action. In response, Applicant has amended claim 8 to insert the missing word as per the Examiner's helpful suggestion.

Claims 1-10 stand rejected under 35 USC §103(a) over Kraina. Applicant respectfully disagrees since the cited reference clearly shows an apparatus in which a portion of the ambient air that passes through the cooling system is also guided to flow around the engine. Applicant's claimed invention, on the other hand, is directed to the concept of separate cooling system and engine enclosures that do not share a common air flow path. In an effort to better distinguish the claimed invention from this reference, which was cited by Applicant, Applicant has amended claim 1 to make it clear that the engine enclosure inhibits air in the ambient flow path through the cooling system enclosure from passing over an engine positioned in the engine enclosure. There should be no dispute that the cited reference shows and teaches a different structure that actually encourages some of the air that passes through its cooling system to also flow over the engine. Therefore, Applicant respectfully requests that all of the outstanding §103(a) rejections be withdrawn.

Applicant's claimed structure allows for more effective cooling of an engine in a vehicular application. In particular, by separating air flow through the cooling system from air flow that passes over the engine, more effective cooling can be accomplished. In particular, the cooling system exchanges heat from a cooling liquid with ambient air, and that cooling liquid is circulated to the engine for cooling in a conventional manner. In addition, a separate air scoop and vents provide a second ambient air flow path for passing cool unheated ambient air flow over the engine to provide additional cooling. Because this additional cooling air has not been heated in the cooling system, more effective heat transfer can be accomplished rather than passing heated air from the cooling system over the engine as in conventional designs and the structure taught by the cited reference.

This application is now believed to be in condition for allowance of claims 1-20. However, if the examiner believes that some minor additional clarification would put this application in even better condition for allowance, the examiner is invited to contact the

undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MB McNeil', with a stylized, sweeping flourish at the end.

Michael B. McNeil

Reg. No. 35,949